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*Attorneys for Defendant, Feit Electric Co., Inc.*

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

19 SEOUL SEMICONDUCTOR CO.,  
20 LTD., a Korean corporation, SEOUL  
VIOSYS CO., LTD., a Korean  
corporation,

CASE NO. 2:22-cv-05097

Honorable Andre Birotte Jr  
Magistrate Shashi H. Kewalramani

**DEFENDANT FEIT ELECTRIC CO.,  
INC.'S APPLICATION TO FILE ITS  
OPPOSITION TO PLAINTIFFS'  
MOTION TO EXCLUDE THE EXPERT  
TESTIMONY OF DR. MICHAEL  
LEBBY (AND EXHIBITS THERETO)  
UNDER SEAL**

*FAC Filed: December 21, 2022*

**TO PLAINTIFFS AND THEIR ATTORNEYS OF RECORD  
HEREIN:**

**PLEASE TAKE NOTICE**, that pursuant to Local Rule 79-5 and the Protective Order (Dkt. No.78) in the above-entitled action, Defendant Feit Electric Co., Inc. (“Feit Electric”) hereby applies to this Court for an order permitting it to file under seal its Opposition to Plaintiffs’ Motion to Exclude the Expert Testimony of Dr. Michael Lebby as well as documents supporting the Motion.

The following documents contain proprietary, commercially sensitive or competitive information, the entirety of which have been designated by Plaintiffs or Defendant as “CONFIDENTIAL” or “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” information pursuant to the Protective Order (Dkt. 77). *See* concurrently filed Declaration of Simeon G. Papacostas (“Papacostas Decl.”) in support of Feit Electric’s Application for Leave to File Under Seal, ¶¶ 4-9. Specifically, Feit Electric seeks to file, under seal, true and correct unredacted copies of the following documents:

1. Feit Electric’s Opposition to Plaintiffs’ Motion to Exclude the Expert Testimony of Dr. Michael Lebby (the “Lebby *Daubert* Opposition”); and
2. Exhibit Nos. L2, L4, L6, and L7 to the Declaration of Gregory Proctor in Support of Feit Electric Co., Inc.’s Opposition.

Pursuant to L.R. 79-5.2.2(b), on February 5, 2025, counsel for Feit Electric reached out to Plaintiffs' counsel and informed Plaintiffs' counsel that certain documents and testimony discussed within Feit Electric's Opposition and in the accompanying exhibits contained information designated as CONFIDENTIAL or HIGHLY CONFIDENTIAL by Plaintiffs or Defendant pursuant to the parties' Protective Order in this case (Dkt. 78) and indicated that Feit Electric would be filing that information under seal in order to prevent disclosure of Plaintiffs' or Defendant's confidential information. See Papacostas Decl., ¶ 10. Feit Electric

1 requested that Plaintiffs indicate whether they opposed filing that material under  
2 seal. Plaintiffs responded, noting their non-opposition to this Application. *Id.*

3 **GOOD CAUSE EXISTS TO GRANT THIS APPLICATION**

4 A court has supervisory powers over its records and files to seal documents  
5 under appropriate circumstances. *Nixon v. Warner Commc 'ns., Inc.*, 435 U.S. 589,  
6 598 (1978). Two standards generally govern motions to seal documents,  
7 compelling reasons or good cause. The standard to be applied depends on whether  
8 the motion is “more than tangentially related to the merits of a case.” *Ctr. For  
9 Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1096 (9th Cir. 2016). Where  
10 a motion pertains to the merits of a case, courts apply a “compelling reasons”  
11 standard. *Id.* at 1096-97. The Court’s Initial Standing Order provides that “[f]or  
12 each document or other type of information a party seeks to file under seal, the  
13 party must identify and discuss the factual and/or legal justification that  
14 establishes ‘good cause’ or ‘compelling reasons’ for the matter should be  
15 protected. Dkt. 19 at 10:26–11:2 (citing *Kamakana v. City and County of  
16 Honolulu*, 447 F.3d 1172, 1179–80 (9th Cir. 2006)). Relevant factors include the  
17 “public interest in understanding the judicial process and whether disclosure of  
18 the material could result in improper use of material for scandalous or libelous  
19 purposes or infringement upon trade secrets.” *Pintos v. Pac. Creditors Ass’n*, 605  
20 F.3d 665, 679, n.6 (9th Cir. 2010). As explained below, there are compelling  
21 reasons to seal the documents identified above.

22 Under Central District of California Local Rule 79-5, documents may be  
23 filed under seal after obtaining approval of the Court. Documents containing  
24 confidential, valuable, and non-public information that would cause competitive  
25 injury to a party if publicly disclosed, are subject to protection under Rule 26(c).  
26 See *Apple Inc. v. Samsung Elec. Co.*, 727 F.3d 1214, 1221 (Fed. Cir. 2013)  
27 (sealing documents is appropriate if “release of the documents will cause  
28 competitive harm to a business”).

1       Here, the documents discussed above have been designated confidential by  
2 Plaintiffs or Defendant. Papacostas Decl. at ¶¶ 4-9. It is Feit Electric's  
3 understanding that Plaintiffs believe the information designated by Plaintiffs as  
4 CONFIDENTIAL or HIGHLY CONFIDENTIAL contained therein has not been  
5 previously made public, and that the disclosure of this competitively sensitive  
6 information could be used by third parties to the parties' detriment. *Id.* The  
7 information designated by Feit Electric as CONFIDENTIAL or HIGHLY  
8 CONFIDENTIAL contained therein has not been previously made public, and it  
9 is Feit Electric's understanding that the disclosure of this competitively sensitive  
10 information could be used by third parties to its detriment. *Id.* at ¶¶ 5-7.

11       Accordingly, Feit Electric submits that there exist compelling reasons to  
12 overcome the right of public access to the unredacted versions of these documents  
13 because they contain proprietary, commercially sensitive, or competitive  
14 information of Plaintiffs or Defendant, thus there is good cause to file the  
15 documents under seal.

16 If this Application is denied, counsel requests that the Courtroom Deputy  
17 Clerk destroy the Chambers' copies of the documents.

18 DATED: February 6, 2025 STRADLING YOCOA  
19 CARLSON & RAUTH LLP

20 By: /s/ Salil Bali  
21 Salil Bali

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